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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,307	12/29/2000	Clifford Lee Knight	36968-206125	8010

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EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,307

Applicant(s)

KNIGHT, CLIFFORD LEE

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/752,336. Although the conflicting claims are not identical, they are not patentably distinct from each other because both invention provides a wireless communications using a remote, self-contained cell site that transceives signals from wireless personal communication devices and communicates these signals with a cellular system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by *Council et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717).

As per claims 1, 16, 30, and 35-36, *Council et al.* disclosed a remote, self-contained communications antenna apparatus, mounted on a vehicle, for transceiving wireless communication signals between said equipment and a disconnected cell site, and transceiving wireless communication signals between said equipment and a communications network (fig. 1-2, pg. 137-139).

As per claims 2-13, *Council et al.* disclosed wherein said wireless communication signals between said equipment and said disconnected cell site are transceived in a range of 806-960 MHz, 1710-1855 MHz, 2500-2690 MHz, or 2.4-2.5 GHz and the communication signals are for pagers, digital processing devices, or any frequency signal in the electromagnetic spectrum (pg. 137-139, furthermore as stated in the specification, paragraph 0011).

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As per claims 14-15, *Council et al.* disclosed wherein said communications network comprises a celestial communications network or a terrestrial communications network (fig. 1-2, pg. 137-139).

As per claims 17, *Council et al.* disclosed said wireless device is a phone.

As per claims 18 and 27, *Council et al.* disclosed said equipment comprises a gasoline-powered generator (pg. 137-139).

As per claim 19, *Council et al.* disclosed wherein said control unit comprises a personal computer.

As per claims 20-21, *Council et al.* disclosed wherein said vehicle comprises a trailer.

As per claim 22, *Council et al.* disclosed wherein said vehicle comprises a motorized vehicle.

As per claim 23, *Council et al.* disclosed wherein said charging source further charges said motorized vehicle.

As per claim 24, *Council et al.* disclosed wherein said mast comprises an extendible mast.

As per claims 25-26, *Council et al.* disclosed wherein said signal processor comprises a digital/analog signal processor.

As per claims 28-29, *Council et al.* disclosed wherein said network interface unit communicates with a customer service unit of said disconnected cell site using wireless or wired medium communications.

As per claim 31, *Council et al.* disclosed wherein said cellular system comprises a cellular switch.

As per claims 32-33, *Council et al.* disclosed wherein said cellular system comprises a remote cell site.

As per claim 34, *Council et al.* disclosed wherein said cellular system comprises a disconnected cell site.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knoblach et al. (2002/0072361), Haymond et al. (6,647,244), Priest et al. (6,047,160), LaFratta et al. (6,169,880), Rootsey et al. (5,995,804), Lehmusto et al. (5,907,794), Heiskari et al. (5,901,342), Grandfield et al. (5,802,452), Averbuch et al. (5,867,785), Childress et al. (5,864,762), Frichtel et al. (5,752,198), Mulford (5,768,683), Leslie et al. (5,218,715), and Leslie (5,023,930) disclose repeater device for use in a radiotelephone communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

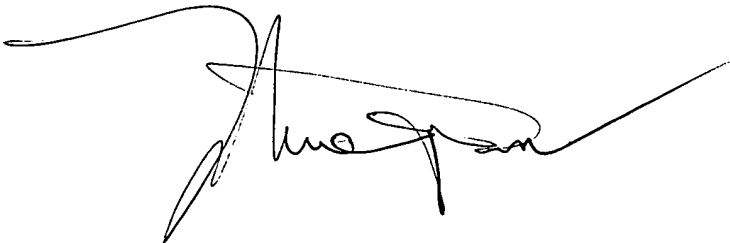
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

November 16, 2003



Handwritten signature of Pablo N. Tran, followed by the handwritten number 2685.